

TERMINAL DISCLAIMER TO OBLVIA TE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT

Docket Number

Q52648

In re Application of: Takafumi ATARASHI, et al.

Application No.: 09/202,216

Filed: April 8, 1999

For: MULTILAYER-COATED POWDER

The owners\*, NITTETSU MINING CO., LTD. and NAKATSUKA, KATSUTO, of one hundred percent interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patents No. 5,985,466; No. 6,310,118; and No. 6,207,280 as the terms of said prior patents are defined in 35 U.S.C. 154 and 173, and as the terms of said prior patents are presently shortened by any terminal disclaimer. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patents, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that any of said prior patents later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record.

Signature

September 9 2005

Date

Abraham J. Rosner

33,276

202-293-7060

Typed or printed name

Reg No.

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) or authorization to charge said fee to Deposit Account No. 19-4880 is included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

09/13/2005 HAL111 00000102 09202216

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Docket No: Q52648

Takafumi ATARASHI, et al.

Appln. No.: 09/202,216

Group Art Unit: 1615

Confirmation No.: 2612

Examiner: Lakshmi Sarada Channavajjala

Filed: April 8, 1999

For: MULTILAYER-COATED POWDER

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a combined Terminal Disclaimer in the above-identified application. A check in the total amount of \$130.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this Submission is attached.

Respectfully submitted,

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WASHINGTON OFFICE  
23373  
CUSTOMER NUMBER

Date: September 9, 2005